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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,531	11/25/2003	Gurusamy Manivannan	00216-602002 / T-716A	4397
27752	7590	09/08/2008	EXAMINER	
THE PROCTER & GAMBLE COMPANY			WEDDINGTON, KEVIN E	
Global Legal Department - IP			ART UNIT	PAPER NUMBER
Sycamore Building - 4th Floor				
299 East Sixth Street			1614	
CINCINNATI, OH 45202				
MAIL DATE		DELIVERY MODE		
09/08/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,531	<b>Applicant(s)</b> MANIVANNAN ET AL.
	<b>Examiner</b> Kevin E. Weddington	<b>Art Unit</b> 1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 May 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,7,10,15,16,18 and 23-37 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,7,10,15,16,18 and 23-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 

Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)
 

Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

The final rejection dated November 2, 2007; and the advisory action dated January 31, 2008 are vacated so that a rejection can be made.

Claims 1, 2, 7, 10, 15, 16, 18 and 23-37 are presented for examination.

Applicants' appeal brief filed May 29, 2008 has been received and entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 7, 10, 15, 16, 18 and 23-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (3,772,203) of PTO-1449 or BO in view of Schmitt (3,866,800).

Gray teaches a post-shaving cream comprising a container having a first chamber and a second chamber and at least one dispensing valve for dispensing the contents of said chambers with an oxidant component and a reductant component (See column 1, lines 52-column 2, line 40). Note column 5, lines 1-40 shows the oxidant component can be hydrogen peroxide. Note column 5, lines 63-column 6, line 31 shows the other ingredients that are combined with the shaving cream such as emollients, water, thickeners and soaps. Note column 6, lines 50-68 shows the various surfactant, anionic, cationic and nonionic and esters of higher fatty acids and ethoxylated alcohols. Note column 7, line 38-column 8, line 28 shows the ranges in which the instant components are combined together to form the post-foaming shave cream.

The instant invention differs from the cited reference in that the cited reference does not teach the post-foaming shave gel. However, the secondary reference, Schmitt, teaches a non-pressure package containing self-heating product. Note the non-pressure package contains two separate components comprising a) an oxidant-containing composition and b) a reductant-containing composition. Note column 2, lines 60-67 teaches the reductant (reducing agent) can be sodium or potassium salts of

sulfurous acid or thiosulfuric acid as, for instance, sodium sulfite or potassium thiosulfate. Note column 5, lines 28-31 teaches the two components can be gels.

One of ordinary skill in the art would have been motivated to prepare a post-forming gel composition comprising water, surfactant, self-foaming agent in a container/dispenser wherein a chemical reaction incident to the mixing of the reagents provide exothermic heat and wherein the chemical reaction is between a thiosulfate and hydrogen peroxide.

Claims 1, 2, 7, 10, 15, 16, 18 and 23-37 are not allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin E. Weddington whose telephone number is (571)272-0587. The examiner can normally be reached on 12:30 pm-9:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571)272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin E. Weddington  
Primary Examiner  
Art Unit 1614

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